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Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:**

**Louis C. Runnels and**

**Kecia A. Runnels**

**DEBTORS**

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**CASE NO: 18-32349-13**

**CHAPTER 13**

**MOTION TO APPROVE MORTGAGE LOAN MODIFICATION**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS ELECTRONICALLY FILED OR SUBMITTED TO THE CLERK OF THE UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION, 1100 COMMERCE STREET, ROOM 1254, DALLAS, TX 75242-1496, BEFORE THE CLOSE OF BUSINESS, TWENTY-FIVE (25) DAYS FROM THE SERVICE OF THIS MOTION. IF SERVICE IS BY MAIL, ANY RESPONSE MUST BE IN WRITING, ELECTRONICALLY FILED OR SUBMITTED AND A COPY SERVED UPON COUNSEL FOR THE MOVING PARTY WITHIN THE TIME DESCRIBED ABOVE. IF NO RESPONSE IS TIMELY FILED, THE RELIEF REQUESTED SHALL BE DEEMED UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT.**

Louis C. Runnels and Kecia A. Runnels, Debtors, file this Motion for Approval to Modify Mortgage Loan, and would respectfully show the Court as follows:

**Jurisdiction**

1. This Court has jurisdiction pursuant to 28 U.S.C. §157, §1334 and 11 U.S.C. §363.
2. This is a core proceeding.
3. On 7/17/2018, Debtors filed for relief under Chapter 13 of the Bankruptcy Code.

Case History

4. Debtors desire to refinance their home, located at 1929 Springwood Dr., Mesquite, TX 75181.
5. Debtors made arrangements with Rushmore Loan Management Services, their original lender, to refinance their mortgage loan.
6. Debtors filed a previous Motion to Approve Mortgage Loan Modification but withdrew the Motion. The original loan modification did not include escrow and Debtors wished to modify their loan with escrow included.
7. Debtors are financing \$172,532.24, which includes the amounts loaned to Debtors and capitalized interest of \$3,151.68. The financed amount is neither an increase nor a reduction in the total amount owed. Debtors are only borrowing enough to refinance their mortgage. Additional monies are not being borrowed.
8. The Loan Modification calls for a new 30-year period beginning on 2/1/2022 and ending on 1/1/2052.
9. The interest rate of the modified loan will be 3.000%, which is a fixed rate throughout the term of the Loan Modification Agreement. This new interest rate represents a reduction from the original interest rate of 3.875%.
10. The monthly payment is \$1,582.43 for 30 years. The new payment amount is a reduction of \$226.32 and includes property taxes and hazard insurance.
11. The amount of the new note includes the arrears listed in the Chapter 13 plan. A modification of the Chapter 13 plan will be necessary.
12. Debtors offer Exhibits 1, which is a copy of the Fixed Rate Loan Modification Agreement and Exhibit 2, which is a copy of Schedules I and J which are being filed contemporaneously with this Motion. Debtors will be able to afford said mortgage payment and continue making payments to the Trustee.

13. Debtors' Attorney charges an additional fee of \$450.00 for the preparation and filing of this motion to be paid by the Chapter 13 Trustee in the Chapter 13 Plan. Debtors are aware of this fee and in agree to this amount being paid.

WHEREFORE, Debtors pray for an order from the Court allowing Debtors to proceed with a Mortgage Loan Modification and for such other relief the Court deems just and fair.

Dated: February 23, 2022.

Respectfully Submitted,

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/s/ Megan K. Price  
Billy D. Price/Megan K. Price  
SBN: 16283860/ 24065926

Attorneys for Debtor

### **CERTIFICATE OF CONFERENCE**

This is to certify that Megan K. Price contacted the office of the Standing Chapter 13 Trustee on February 23, 2022, regarding the foregoing Motion. The Chapter 13 Trustee's office does not oppose the Motion for Approval to Modify Mortgage Loan but reserves the right to object later.

DATED: March 2, 2022

Respectfully submitted,

/s/ Megan K. Price  
Billy D. Price/ Megan K. Price

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion for Approval to Modify Mortgage Loan was on this February 23, 2022, served by placing same in the United States mail, with first class postage affixed thereto and addressed to all parties on the attached mailing matrix.

Respectfully submitted,

/s/ Megan K. Price

Billy D. Price/ Megan K. Price